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Spring 2005

# F05RS SGB No. 4 (Election Code Misc.)

S. Moore

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## STUDENT SENATE

F05RS

SGB No. 4

BY: SENATOR S. MOORE

**A BILL****TO AMEND SEVERAL PORTIONS OF THE STUDENT GOVERNMENT ELECTION CODE  
CONCERNING CAMPAIGNING**

- PARAGRAPH 1:** WHEREAS, THE ELECTION CODE REVISION COMMITTEE WAS CREATED FOR THE PURPOSE OF RECOMMENDING CHANGES IN THE STUDENT GOVERNMENT ELECTION CODE, AND
- PARAGRAPH 2:** WHEREAS, THE ELECTION CODE REVISION COMMITTEE HAS MET DILIGENTLY THROUGHOUT THIS SUMMER IN AN EFFORT TO ADDRESS CERTAIN MATTERS THAT HAVE ARISEN IN THE PAST ELECTIONS, AND
- PARAGRAPH 3:** WHEREAS, THE ELECTION CODE REVISION COMMITTEE HAS RECOMMENDED CHANGES TO STUDENT GOVERNMENT ELECTION CODE.
- PARAGRAPH 4:** THEREFORE, BE IT ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE ONE (I) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

## Article I: General Provisions

## Section 1. Election Code; accountability

Every person who files for an office elected under the authority of the Student Government Constitution and Bylaws shall receive a copy of this Election Code at the time of filing. All candidates and their volunteers shall be responsible for knowing its contents. A representative from each ticket, or those running independently, shall attend a mandatory meeting prior to active campaigning. All questions about the Code shall be addressed to the Commissioner of Elections.

## Section 2. Tickets; definition

A ticket is recognized by this Election Code as an affiliation, ~~by common name or slogan~~, of candidates who group together to organize campaigning for an election.

1. Tickets are not required to have a presidential/vice presidential candidate.
2. Tickets as a whole may be held responsible for infractions to this code.
3. Candidates may be cross-listed on multiple tickets

## Section 3. Election Code; power of the Election Board

The Election Board shall have the power to interpret and apply this Code.

Section 4. Election Code; amendments; effective dates

Amendments to the Election Code and their effective dates may be made as specified in the Student Government Constitution.

Section 5. Election Board; meetings

The Board shall meet at the discretion of the Commissioner of Elections to discuss improvements in the election process and to decide upon election dates for the next semester.

Section 6. Election Board; appeals

Any decision of the Election Board may be appealed to the Judicial Branch of the Student Government, as stipulated in the Student Government Constitution

Section 7. Multiple candidacy; prohibition

No person may be a candidate for more than one (1) office established under, or elected under the authority of, the Student Government Constitution.

Section 8. Candidate Qualifications

- A. A qualified student is any full-time student that is in good academic standing and is not currently under disciplinary action with the University. For any non-At-Large position (representing one academic area), a candidate must be enrolled at the time of filing in the college which he/she is seeking to represent.
- B. **A degree candidate filing for any at-large position (including President and/or Vice President) must provide sufficient documentation of continuing full-time enrollment status at Louisiana State University and Agricultural and Mechanical College to the Election Board.**

**PARAGRAPH 5:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE TWO (II) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article II: Administration of Elections

Section 1. Commissioner of Elections; appointment

The new Commissioner of Elections should be appointed by the Student Body President by the last regular Student Senate meeting of the Spring.

Section 2. Commissioner of Elections; powers and responsibilities

The Commissioner of Elections shall have the following powers and responsibilities:

- A. To serve as the Chairman of the Election Board;
- B. To serve as the administrative head of the election process;

- C. To have charge over all elections personnel;
- D. To have the authority to expend such funds as are appropriated to the Board's use, with the consent of the Board;
- E. To execute the provisions of the Student Government Constitution relative to elections and all other provisions of this Code;
- F. To ensure that the Board presents a defense if any decision of the Board is appealed or if a complaint is filed against the Board;
- G. To issue a report to the student Senate each week during the election time frame;
- H. To submit a calendar with the days of the election time frame numbered two weeks prior to the first day of filing; and,
- I. To meet with the Office of Computing Services (OCS) and establish guidelines for online voting procedure one (1) month prior to filing;
- J. To administer and set provisions for special elections where provided for in the Election Code and other Student Government documents.**

Section 3. Commissioner; actions require Board approval

All actions of the Commissioner of Elections must meet the majority approval of the Election Board present and voting; the Board may overrule any action of the Commissioner by a majority vote. However, the Election Commissioner and the Election Board are to keep any consultation with candidates prior to the election confidential.

Section 4. Election Board; appointments

- A. There shall be five (5) members of the Election Board, not including the Commissioner of Elections, who shall vote only in the case of a tie. Five (5)-members of the Board will be appointed by the student body president and approved by the Senate.
- B. Members shall serve a term of two semesters.
- C. Election Board seats shall be divide in half, with half of the board appointed by the third week of the fall semester and half of the board appointed by the third week of the spring semester.
- D. Upon confirmation, Board members shall be designated in the following way:
  - 1. Fall board members shall be named A, C, E.
  - 2. Spring Board members shall be named B, D.
  - 3. These letters will be assigned after appointment and confirmation by the Student Senate based upon alphabetical order of the appointees' last names
- E. If a vacancy occurs on the Election Board, the seat may be appointed by the Student Body President and confirmed by the Senate.
- F. Members of the Election Board shall not be involved in any other branch of student government in any capacity.
- G. Members of the Election Board that wish to seek another office within LSU A&M Student Government must resign immediately.

- H. Members of the Election Board shall remain politically neutral and shall be removed if they express any form of support for a particular candidate at any time. All election personnel on election day shall remain politically neutral while working polls.

Section 5. Election personnel

- A. All election personnel, such as poll workers, shall be appointed by the Board five (5) class days prior to each Election Day per semester.
- B. A list of all poll workers shall be compiled and made available to the candidates three (3) class days prior to any election.

Section 6. Election Board; quorum

A quorum of the Election Board shall consist of the presence of at least-three (3) members and the Commissioner of Elections. The Board may not conduct business without the presence of quorum. If in the case of vacancy, quorum shall consist of a majority of the remaining seats.

**PARAGRAPH 6:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE THREE (III) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article III: Election Timetable

Section 1. Order of Events

The election time frame shall consist of thirty (30) class days beginning no sooner than the 20<sup>th</sup> day of class in a semester and ending no later than the 55<sup>th</sup> day of the class in a semester. The order of events for any campus-wide election, not including the elections for the consideration of a referendum brought by petition **or constitutional amendment** shall be as follows:

- A. Selection of election-related dates and deadlines
- B. Announcement of elections
- C. Filing period
- D. Mandatory Meetings
- E. Qualifying
- F. Posting of qualified candidates and appeals
- G. ~~Active~~ Campaigning **begins**
- H. Posting of official ballot
- I. General Election
- J. Expenditure reports filed
- K. General Election results
- L. Validation of General Election results
- M. Run-off Election
- N. Run-off expenditure reports filed
- O. Run-off Election results
- P. Validation of Run-off Election results

Section 2. Selection of election-related dates and deadlines

The Election Board shall be in charge of setting all dates of the election-related events listed in Section 1 of this Article subject to any further provisions of the Election Code. All deadlines and dates that are relative to filing, campaigning, and election days for the Fall and Spring Student Government Elections shall be declared by the Commissioner of Elections no later than the last official day of classes of the semester previous to the election in question. The election time frame shall span thirty (30) class days beginning with the first day of filing, and ending two class days after the final election results have been announced. Once dates have been set, the Commissioner will deliver this information to the student media, the Student Body President, the Speaker of the Student Senate, and the Chief Justice of the University Court.

Section 3.           Announcement of elections

- A.     The Commissioner of Elections shall:
  - 1.   1. Issue a press release at least (7) class days prior to the opening of the filing period for the Fall and Spring elections and
  - 2.   2. Purchase an advertisement of at least one quarter (1/4) page in size to appear in the official campus newspaper at least three (3) class days prior to the opening of the filing period for the Fall and Spring elections.
- B.     The press release and the advertisement shall list the following:
  - 1.   Positions to be filled in the election;
  - 2.   Dates for the opening and closing of filing;
  - 3.   Time and place that a person may file for office;
  - 4.   Dates of the General Election and any run-off; and,
  - 5.   Name of the Commissioner of Elections.

Section 4.           Filing period

- A.     A person shall file as a candidate by:
  - 1.   Filing his/her intention, choice with the Election Board during the filing period and
  - 2.   Verifying his/her eligibility by the Election Board.
- B.     A three (3) class day period for filing shall be opened no less than twenty-one (21) calendar days before the date of the General Election. Any student may file an intention of candidacy form provided by the Board for the office he/she seeks from 9:00A.M. to 4:30 P.M. during these days.
- C.     Once a student has filed for a certain office, he/she may not change to any other office. The student may either run for the position for which he/she originally filed for, or may drop out of the race completely. The only exception to this provision is for those students filing for Student Body President or Vice President, as outlined in Subsection D of this Section.
- D.     President/Vice President replacement candidates
  - 1.   Candidates for Student Body President and Vice-President shall be listed together on the ballot. The names of the two candidates shall both be listed on the ballot and identified as to which office each candidate seeks. There shall not be separate voting for Student Body President and Vice President.
  - 2.   If, after the close of filing, a candidate for Student Body president or Vice-President has not qualified, has been disqualified, or has withdrawn, then the remaining candidate may submit to the Commissioner of Elections the name of a replacement candidate must be qualified by the Commissioner of Elections by 4:30 P.M. on the fifth (5<sup>th</sup>) class day preceding the General Election.

Section 5. Mandatory meetings

A. Senate Meetings

After the close of filing, each candidate for the office of Student Senate shall be required to attend one entire meeting of the Student Senate. They shall sign in at the beginning of the meeting and out at the end of the Speaker or his/her appointed representative. There should be allowed time after the completion of the meeting to answer any questions those candidates may have about the Student Senate. In the event that candidates are unable to attend a regular meeting of the Student Senate, the Speaker shall specify through the Commissioner of Elections an alternate informational meeting for the candidate to attend.

B. Ticket Meeting(s)

A ticket meeting shall be held in conjunction with the Election Board at the time specified in the election time frame. A ticket Representative shall attend this meeting. The ticket Representative shall submit to the Commissioner of Elections the name of the ticket that they represent and a list of all candidates affiliated with said ticket at the first Ticket meeting. In addition, the ticket Representative may name two proxies to attend ticket meetings in his/her absence.

Section 6. Qualifying

After the closing of the filing period, the Commissioner shall submit the appropriate information for each potential candidate to the office of the Dean of Students for verification. Once the office of the Dean of Students reports back to the Commissioner, he/she shall report to the Board with a listing of filed candidates, and whether or not each is qualified. After any amendments and final approval by the Board, the official list of qualified candidates will be posted outside of the Student Government Executive Office. This should occur on class days six (6) and seven (7) of the election time frame. Appeals to the qualifying of candidates may be filed during this time.

A. Appeals pertaining to academics and discipline should be addressed to the Office of the Dean of Students.

B. All other appeals should be made to the Commissioner of Elections and the Election Board.

Section 7. ~~Active~~ Campaigning

A. There shall be no ~~active~~ campaigning, as defined in article IV, prior to the qualifying of candidates, which begins on class day eight (8) at 4:30 p.m. of the election time frame.

Section 8. General Election

A. Fall election

The General Election for the Student Senators elected in the Fall and for the members of the University Court elected in the Fall shall be held each year beginning no sooner than the 20<sup>th</sup> day of class and ending no later than the 55<sup>th</sup> day of class in a semester.

B. Spring election

The General Election for Student Body President, Student Body Vice President, Union Governing Board, the appropriate Student Senators, College Council officers, and University Court shall be held no sooner than the 20<sup>th</sup> day of class and ending no later than the 55<sup>th</sup> day of class in a semester.

Section 9. General Election results

Regardless of complaints or appeals, the unofficial results of the General Election shall be announced by the Commissioner of Elections in an appropriate room of the LSU Union or other campus building at 7:30 P.M. on the night after the General Election. The results shall be official and final if they are not contested within two (2) class days following the close of the election.

Section 10. Validation of General Election results

If no complaints or appeals are registered by 4:30 p.m. within two (2) class days of the announcement of election results, all election results shall be deemed final.

Section 11. Run-off Election

Except as otherwise provided in this Election Code, if no candidate in the General Election receives a majority of the votes cast, the two (2) candidates receiving the highest number of votes in said election shall be in a Run-off Election. The Run-off Election shall be held within three (3) to six (6) class days after the General Election. Provisions for ties are included in Article XII of this code.

Section 12. Run-off Election results

The unofficial results of the Run-off Election shall be announced in the same manner as the results of the General Election.

Section 13. Validation of Run-off Election results

If no complaints or appeals are registered by 4:30 p.m. within two (2) class days of the announcement of the Run-off Election results, all election results shall be deemed final.

**PARAGRAPH 7:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE NINE (VI) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article VI: Voting

Section 2 Voting Times

The voting application on Election Days, including referendum-only elections, shall be accessible from 7:00am to 9:59pm, regardless of weather conditions.

**PARAGRAPH 8:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE NINE (IX) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article IX: Penalties for Violation

Section 1. Sanctions; violations of campaign spend limit rules



Any candidate failing to file any report of campaign expenditures required by the Code shall be disqualified. Any candidate exceeding the limit on campaign expenditures set by this Code shall be disqualified.

Section 2. Sanctions; failure to attend a mandatory meeting

Any candidate failing to attend at least one (1) of the mandatory Senate meetings shall be disqualified, unless the candidate has made special provisions to meet personally with the Board or the Board has approved his/her absence due to extraordinary circumstances.

Section 3. Sanctions; candidates

If a candidate or ticket is found guilty of violating this Code, the candidate or ticket shall be penalized by the Board in the manner deemed appropriate from the following:

- A. Private censure reserved for only unusually minor cases;
- B. Public censure, the general minimum sanction;
- C. Restriction of the candidate or ticket and its volunteers from campaigning for a fixed period of time in such a manner, as the Board feels appropriate;
- D. Reduction of expenditure limits within reason;
- E. Suggestive, self-imposed sanction made by the defendant and agreed upon by the board; or,
- F. Disqualification. In this case the Election Board may pursue disciplinary action with the Dean of Students.

Section 4. Sanctions; others

If a person who is not a candidate or if an organization is found guilty of violating this Code, the person or organization is found guilty of violating this Code, the person or organization shall be penalized by the **Election Board** ~~Court~~ in the manner deemed appropriate from the following:

- A. Private censure reserved for only unusually minor cases;
- B. Public censure, the general minimum sanction;
- C. Suggestive, self-imposed sanction made by the appellate and agreed upon by the **Election Board** ~~Court~~; or,
- D. Pursue disciplinary action with the Office of the Dean of Students.

Section 5. Report with the Office of the Dean of Students

The Board may direct the Commissioner to file a report with the Office of the Dean of Students with the recommendation that the Office review the alleged offense of the individual, the ticket, or the organization under the provisions of the Code of Student Conduct or other appropriate University rules, if the opinion of the Board, the violation warrants it.

**PARAGRAPH 9:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE ELEVEN (XI) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article XI: Spending for Referendums

Section 1. Candidate

- A. The group or entity receiving funds from the proposed referendum shall be recognized as candidates.

- B. The proposed recipient shall be held to the same regulations and sanctions as candidates for office mentioned in Articles IV & IX of this code, **except as expressly provided in Article X and XI.**
- C. The benefiting group or entity shall register a representative to serve as a Liaison for matters dealing with the Election Board. The name of said person must be submitted to the Commissioner of Elections at ~~the~~ **a** mandatory meeting.

Section 2. Spending limits

- A. Referenda shall have a maximum spending limit of two thousand dollars (\$2000) for coordinated expenditures.
- B. The Liaison is responsible for submitting expenditure reports to the Commissioner of Elections at the same time as all other candidates

Section 3. Titling

- A. The Election Board shall title the referendum for the ballot, with the consent of the recipients, and shall place the name of said referendum on the ballot.
- B. If a title cannot be agreed upon, the referendum shall be named according to its legislative number given by the Senate.

**PARAGRAPH 10:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE TWELVE (XII) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article XII: Tickets

Section 1. Ticket representative; Responsibilities

- A. Each ticket shall select a ticket Representative who shall serve as the Liaison between the Election Board and the organized ticket.
- B. The ticket Representative duties shall **be to** register the ticket name with the Election Board at the mandatory ticket meeting specified in the election time frame.

Section 2. Ticket name; recognition

In order for a ticket to be recognized in an election, the ticket Representative must present the name of said ticket, complete with a list of candidates affiliated with the ticket, to the Elections Commissioner at the ticket meeting mentioned in the election time frame.

**PARAGRAPH 11:** BE IT FURTHER ENACTED THAT THE STUDENT GOVERNMENT OF LOUISIANA STATE UNIVERSITY AND AGRICULTURAL AND MECHANICAL COLLEGE DOES HEREBY AMEND THESE SECTIONS OF ARTICLE THIRTEEN (XIII) OF THE STUDENT GOVERNMENT ELECTION CODE TO READ AS FOLLOWS:

Article XIII: Miscellaneous Rules and Guidelines

Section 1. Student Senate Seats; naming

- A. Student Senate seats shall be divided in half after apportionment in which one-half (1/2) of the seats available in a college shall go up for elections in the Fall and the other half (1/2) shall be up for election in the Spring.
- B. Students will be able to vote for as many candidates as there are seats allocated.
- C. Upon election, Student senators shall be designated in the following way:
  - 1. Fall senators shall be named A, C, E, etc.
  - 2. Spring senators shall be named B, D, F, etc.
  - 3. These letters will be assigned after elections based upon alphabetical order of the candidates' last names.

Section 2. Student Senate Seats; vacancy

If a vacancy occurs on the Student Senate, it may be filled immediately by the respective college council by a majority vote of its members. The seat shall then be up for election during the next regularly scheduled campus wide election as a half (1/2) term Senate seat, regardless of how long is left remaining on the term. A person may only be appointed once by a college council to fill a Senate vacancy.

Section 3. University Court Justices; naming

Elected University Court Justice seats shall be divided in the same way as Senate Seats. Two Justices (2) will be elected in the Fall and two justices (2) in the Spring.

Section 4. Apportionment of Student Senate; procedure for change

If apportionment causes an academic area to have more or less Senate seats than it previously had, the two lettered seats will be added or removed, as the particular case calls for. In the event that seats are removed, any Senators whose seats have been discontinued shall be allowed to serve out their regular terms. In the event that seats are added, then they shall both be placed on the Spring election ballot, one as a full term and one as a half (1/2) term.

Section 5. General Election

In order to win the General Election, a candidate must receive a percentage majority of the votes cast plus one. For example, if there are two (2) seats available, a candidate would need to get 25% plus one vote, a percentage majority, to win outright. Percentage majority is determined by dividing 100 by the number of seats available, and then dividing that number by two (2). Percentage majority is determined by dividing 100 by the number of seats available, and then dividing that number by two (2). If more candidates receive the percentage majority needed than there are seats open, then the candidate(s) that receive the highest number of votes shall be declared the winner(s). For example, if three (3) people are running for two (2) seats and all three (3) attain the percentage majority needed, then the two (2) candidates with the most votes are the winners in the General Election.

Section 6. Run-off Election; determination

- A. If all seats are not filled in the General Election, then for each remaining seat the next two highest vote recipients will run in the Run-off Election. For example, if four seats are contested and only two contested receive a percentage majority plus one, then the remaining two seats will be determined by placing the next four highest vote recipients in the Run-off Elections.
- B. The winner(s) of the Run-off Election shall be determined by who gets the most votes regardless of percentages. The only exception to this rule is listed in Article XIII, Section 7, of this code.

Section 7. Ties

Ties shall be handled as follows:

- A. If there are only two (2) candidates in the General Election and the election results in a tie, then the election shall be rerun in the Run-off Election.
- B. If there are more than two (2) candidates in the General Election and there is a tie for second place and if a run-off is otherwise needed, then the first place candidate and the candidates tied for second shall all run in the run-off. The candidate who receives the most votes in the run-off shall be the winner, regardless of whether he/she receives a majority of the votes cast. For Senate and University Court seats, in the event that the last position eligible for the runoff is tied, then both candidates tied shall be in the run-off.
- C. If a Run-off Election results in a tie, then the tied candidate who receive the most votes in the General Election shall be the winner.
- D. If a Run-off Election results in a tie, and the tied candidates receive the same number of votes in the General Election, then:
  - 1. If the election is before the entire student body, then the election board shall conduct a second run-off election between the tied candidates.
  - 2. If the election is any other election, then the newly elected student senate shall determine a winner from the tied candidates as its first regular meeting.

Section 8. Fraud

- A. **Voter fraud shall be considered casting a ballot on behalf of any individual other than yourself.**
- B. **Petition fraud shall be considered signing a petition on behalf of any individual other than yourself.**
- C. Candidates found guilty of voter fraud by the Election Board will be subject to:
  - 1. Disqualification and/or
  - 2. A report filed with the Office of the Dean of Students of such action for review of potential violations of the Student Code of Conduct.
- D. Non-candidate students or groups found guilty of voter fraud by the Election Board will be reported to the Office of the Dean of Students for review of potential violations of the Student Code of Conduct.
- E. Elections containing fraud may be examined by the Board, and subject to appeal, and said action must be submitted in writing or by e-mail to all candidates involved within two (2) hours of said action.
- F. Appeals to an Election Board decision regarding voter fraud will be made directly to the University Court.

**PARAGRAPH 12:** THIS BILL SHALL TAKE EFFECT UPON PASSAGE BY A TWO-THIRDS (2/3) VOTE OF THE LSU STUDENT SENATE AND SIGNATURE BY THE PRESIDENT, UPON LAPSE OF TIME FOR PRESIDENTIAL ACTION, OR IF VETOED BY THE PRESIDENT AND SUBSEQUENTLY APPROVED BY THE SENATE, ON THE DATE OF SUCH APPROVAL.